

Appl. No. 10/709,278
Amdt. dated June 21, 2006
Reply to Office action of May 22, 2006

REMARKS/ARGUMENTS

1. The introduction of new limitations "formed by Ar plasma comprising fluorine substance hitting the SiC layer" into claim 8, require further considerations/search.

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Response:

Claim 8 is amended to recite "the blocking layer is formed by Ar plasma comprising fluorine substance hitting the SiC layer" which respectively recited in original claims 9 and 10. The Examiner has
10 acknowledged that the limitations recited in claim 10 would be allowed if rewritten in independent form as set forth on Page 4 of final Office action dated February 21, 2006. Since claim 10 depends on claim 9, the applicant introduced both claims into claim 8. No new matter is entered.

15 According to MPEP 714.13 III:

"The refusal to enter the proposed amendment should not be arbitrary. The proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues
20 on appeal are simplified. ...The reasons for non-entry should be concisely expressed. For example:

(A) The claims, if amended as proposed, would not avoid any of the rejections set forth in the last Office action, and thus the amendment would not place the case in condition for allowance or in better condition for
25 appeal.

(B) The claims, if amended as proposed, would raise the issue of new

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matter.

(C) The claims as amended present new issues requiring further consideration or search.

(D) Since the amendment presents additional claims without canceling any finally rejected claims it is not considered as placing the application in better condition for appeal.”

And according to MPEP 714.12:

“Amendments >and Other Replies< After Final Rejection or Action:

Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered.”

MPEP does recite that “the claims as amended present new issues require further consideration or search” would be refused to enter, however claim 8 is amended to include all limitations of claims 9 and 10 without new matter or new issue. And as mentioned above, the Examiner has acknowledged that the limitations recited in claim 10 would be allowed if rewritten in independent form, therefore the applicant asserts the proposed amendment filed on May 12, 2006 has placed the present application in condition for allowance and conforms with MPEP 714.12. Accordingly, the proposed amendment should be entered and withdrawal of abovementioned Advisory action is politely requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,

5 Winston Hsu Date: June 21, 2006

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